

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3 and 6-9 are pending in the present application. Claims 2, 4 and 5 have been canceled without prejudice or disclaimer, Claims 1, 3, 6 and 7 have been amended, and Claim 9 has been added by the present amendment without introducing new matter.

In the outstanding Office Action, the title of the application was objected to; Claims 1, 2 and 5-7 were rejected under 35 U.S.C. § 102(b) as anticipated by Ichimura et al. (EP 0813194, herein "Ichimura"); Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as unpatentable over Ichimura in view of Official Notice; and Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Ichimura in view of Official Notice.

New Claim 9 is submitted herewith, and finds support in the originally filed claims, for example. No new matter is added.

Further, Fig. 1A has been amended to better reflect the description of Fig. 1A included at page 8, lines 10-18, and at page 11, lines 19-26 of the specification. A replacement drawing and an annotated drawing showing the changes are included. No new matter is added.

In response to the objection to the title of the present application, a new title that is fully descriptive of the claimed invention is submitted herewith, and no further objection to the title is therefore anticipated. Accordingly, it is respectfully requested this objection be withdrawn.

In light of the several grounds for rejection, Claim 1 has been clarified to recite, among other things, "... means for preventing the provision date information stored in the date memory from being updated, when the value of the provision date information stored in the date memory is later than that of the provision date information that is being read by the

means for reading ...,” and Claim 7 has been clarified to recite, among other things, “... provision-date information configured to be checked by the playback apparatus and determined to be latest or not, said provision date information being stored in a date memory in the playback apparatus only when the provision date information is determined to be latest.” Amended Claims 1 and 7 find support at page 9, line 2 to, page 12, line 12 of the specification, and in original Claims 2 and 5, for example. Further, Claims 1, 3, 6 and 7 have been amended for clarification. No new matter is added. Applicant respectfully submits that the amendments to the claims have overcome the rejections for the following reasons.

Specifically, one of the advantages of the claimed invention is that it is possible to play or record new content data at any desired time, and to prevent viewing or listening of old content data with expired permitted-period end dates.¹

In a non-limiting example, the playback apparatus includes, among other things, a date memory 11. The value T of the date memory 11 is the latest one Dj of the provision date information D1 to Dj handled by the playback apparatus 10.² Further, the playback apparatus includes a preventing device (e.g., claimed means for preventing) that prevents the provision date information stored in the date memory 11 from being updated when the value Dj of that provision date information is later than the value D of the provision date information that is being newly read ($D < D_j$).

It is respectfully submitted that Ichimura does not disclose or suggest all of the claimed features recited in amended Claims 1 and 7.

Specifically, Ichimura discloses a reproducing apparatus wherein the date-and-hour conditions represented by the digital copy management information are compared with the count value of date-and-hour counter 26, and based on the above comparison, whether a

¹ See the specification at page 15, lines 22-27, for example.

² Id., at page 8, line 19 to, page 9, line 5, for example.

playback operation should be performed or not.³ However, Applicant respectfully submits that Ichimura does not disclose or suggest the claimed feature wherein the provision date information in the date memory (e.g., CMD memory 25) is prevented from being updated. More specifically, Ichimura does not disclose or suggest the claimed feature "... means for preventing the provision date information stored in the date memory from being updated, when the value of the provision date information stored in the date memory is later than that of the provision date information that is being read by the means for reading ..." as recited in amended Claim 1, and the claimed feature "... provision-date information configured to be checked by the playback apparatus and determined to be latest or not, said provision date information being stored in a date memory in the playback apparatus only when the provision date information is determined to be latest" as recited in amended Claim 7.

Accordingly, it is respectfully submitted that independent Claims 1 and 7 and each of the claims depending therefrom are patentably distinguishable over the reference of record.

Further, Ichimura does not disclose or suggest the features recited in new Claim 9. Accordingly, new Claim 9 is also believed to be patentably distinguishable over the reference of record.

³ See Ichimura, column 30, lines 15-19.

Consequently, in light of the above discussion, and in view of the present amendment, Applicant respectfully submits that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

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